

GARY S. WINUK
Chief of Enforcement
ANGELA J. BRERETON
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 06/1148
)
)
DAVID COLE,)
) DEFAULT DECISION AND ORDER
)
)
Respondents.) (Gov. Code §§ 11506 and 11520)
)
)

Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby submits this Default Decision and Order for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

Pursuant to the California Administrative Procedure Act,¹ Respondent David Cole, has been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;
3. A Notice of Defense (Two Copies);

¹The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

1 4. A Statement to Respondent; and

2 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

3 Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense
4 within 15 days after being served with an Accusation shall constitute a waiver of respondent's right to a
5 hearing on the merits of the Accusation. The Statement to Respondent, served on Respondent
6 David Cole, explicitly stated that a Notice of Defense must be filed in order to request a hearing.
7 Respondent failed to file a Notice of Defense within fifteen days of being served with the Accusation.

8 Government Code Section 11520 provides that, if the respondent fails to file a Notice of
9 Defense, the Commission may take action, by way of a default, based upon the respondent's express
10 admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the
11 respondent.

12 Respondent David Cole, violated the Political Reform Act as described in Exhibit 1, and
13 accompanying declarations, which are attached hereto and incorporated by reference as though fully set
14 forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this matter. This
15 Default Decision and Order is submitted to the Commission to obtain a final disposition of this matter.

16
17 Dated: _____

Gary S. Winuk
Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of One Hundred Eleven Thousand Five Hundred Dollars (\$111,500) upon Respondent David Cole, payable to the "General Fund of the State of California."

IT IS SO ORDERED, effective upon execution below by the Chair of the Fair Political Practices Commission at Sacramento, California.

Dated: _____

Ann Ravel, Chair
Fair Political Practices Commission